



EX PARTE OR LATE FILED

Federal Communications Commission
Washington, D.C. 20554

SEP 26 2001

MM 00-391

CN0103191

The Honorable Charles Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

RECEIVED

SEP 28 2001

Dear Senator Grassley:

Thank you for forwarding the recent letter from your constituents, Mr. and Mrs. Frank Metz, regarding the transition to digital television (DTV). They suggest that the Commission allow smaller or publicly-supported stations the option of returning their digital channels now and delaying their conversion from analog to digital operation until the 2006 DTV transition deadline.

In establishing service rules for the DTV transition, the Commission expressly rejected requests that it allow smaller market and noncommercial stations to make an immediate transition to digital television at the end of the transition, eliminating the need to construct and operate a second facility during the transition. While sensitive to the economic challenges facing small market broadcasters and the funding problems facing noncommercial stations, the Commission rejected this approach as undermining its concurrent DTV and analog broadcasting policy, including simulcasting, which was premised on broadcasters operating an NTSC and a DTV station until the end of the transition. The Commission noted, however, that it could revisit this conclusion during any of its DTV periodic reviews.

There is a process stations may use to seek an extension of the DTV construction deadline. In the *Fifth Report and Order* with respect to DTV, the Commission noted that it will grant an extension of the construction deadline where a broadcaster has been unable to complete construction due to circumstances that are either unforeseeable or beyond the licensee's control if the licensee has taken all reasonable steps to resolve the problem expeditiously. Such circumstances include, but are not limited to, the inability to construct and place in operation a facility necessary for transmitting DTV, such as a tower, because of delays in obtaining zoning or FAA approvals, or similar constraints, or lack of equipment necessary to transmit a DTV signal. The Commission delegated authority to the Mass Media Bureau to grant two such six-month extensions of time, after which extension requests will be referred to the Commission.

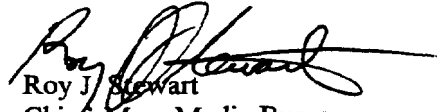
The Commission is currently considering petitions for reconsideration of the *Report and Order* in the first DTV periodic review proceeding. Some of these petitions have asked the Commission to extend the applicable construction deadlines for stations in smaller markets, citing costs and hardship, and those petitions are pending.

No. of Copies rec'd 2
List ABCDE

Page 2—The Honorable Charles Grassley

The Commission will include your constituents' letter in the record of the DTV periodic review proceedings and consider all views carefully. I hope this is responsive to your concerns.

Sincerely,



Roy J. Stewart
Chief, Mass Media Bureau

REPLY TO:

☐ 135 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1501
(202) 224-3744
TTY: (202) 224-4479
e-mail: chuck_grassley@grassley.senate.gov

☐ 721 FEDERAL BUILDING
210 WALNUT STREET
DES MOINES, IA 50309-2140
(515) 284-4890

☐ 206 FEDERAL BUILDING
101 1ST STREET SE
CEDAR RAPIDS, IA 52401-1227
(319) 363-6832

United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

August 31, 2001

REPLY TO:

☐ 103 FEDERAL COURTHOUSE BUILDING
320 6TH STREET
SIOUX CITY, IA 51101-1244
(712) 233-1860

☐ 210 WATERLOO BUILDING
531 COMMERCIAL STREET
WATERLOO, IA 50701-5497
(319) 232-6857

☐ 116 FEDERAL BUILDING
131 E. 4TH STREET
DAVENPORT, IA 52801-1513
(563) 322-4331

☐ 307 FEDERAL BUILDING
8 SOUTH 6TH STREET
COUNCIL BLUFFS, IA 51501-4204
(712) 322 7103

Ms. Martha Johnston

Director

Federal Communications Commission

Office of Legislative & Intergovernmental Affairs

1919 M Street, N.W., Room 808

Washington, DC 20554

MMB
DTR
3191

Dear Ms. Johnston:

Enclosed please find a communication from Mr. and Mrs. Frank Metz regarding their concerns about the Digital Television Build-out deadline of May 1, 2002.

I would appreciate any assistance you could provide pertaining to this matter. Please mark your return correspondence to the attention of Robert Macha when responding to my office.

Thank you for your attention to my request.

Sincerely,

Chuck Grassley

Charles E. Grassley
United States Senator

CEG/rm

Enclosure

SEP 17 2 04 PM '01

RANKING,
FINANCE

Committee Assignments:

BUDGET
JUDICIARY

CO-CHAIRMAN,
INTERNATIONAL NARCOTICS
CONTROL CAUCUS

Mr. & Mrs. Frank Metz
4770 Silver Spur Rd.
Bettendorf, IA 52722-5848

7/2/2001

The Honorable Charles Grassley
135 Hart Senate Office Building
Washington D.C. 20510

RE: Support for Modification of the DTV Build-out Deadline of May 1, 2002, and the
Early Return of the Digital Channel Allowing for a Prompt Auction

Dear Senator Charles E. Grassley,

I am a supporter of the Trinity Broadcasting Network (TBN) and all smaller market and independent television stations around the country who, by government mandate, must build a digital channel by May 1, 2002. The government's plan simply does not provide sufficient time for such an undertaking, and is unfair to stations like TBN which are publicly supported and need a longer time to plan for the enormous expense of building and operating another channel.

At present, fewer than 200 of the more than 1600 television stations in the nation have built digital channels, and most of those are in the major television markets. Stations in the smaller markets simply need more time to complete their build-out. Also, there are very few viewers who have digital tuners that can receive this service, so Congress should not punish the independent stations by obligating them to spend the millions of dollars required to build and operate a digital station when no one is watching.

To accommodate the smaller market and independent stations, I am asking you to support giving those smaller stations an option of returning their digital channel now, which would allow for an early auction of the retrieved frequency by the government. Electing stations would then be relieved of the May 1, 2002 build-out deadline, and allowed to convert to a digital operation by the December 31, 2006 transition deadline for all analog stations.

I hope you will act to help in this important matter. I would appreciate a response.

Respectfully,

Mr. and Mrs. Frank Metz

Mr. & Mrs. Metz